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SUBJECT: DEPARTMENT OF HOMELAND SECURITY SECRETARY CHERTOFF
MAINTAINS THE DIALOGUE WITH COUNTERPART DEPUTY PRIME
MINISTER MCLELLAN

REF: OTTAWA 774

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1. (U) Summary: Handguns entering Canada illegally from the United States and divergence between Canadian and U.S. visa policies were two unscripted items discussed during Department of Homeland Security (DHS) Secretary Michael Chertoff's and Canadian Deputy Prime Minister (DPM) Anne McLellan's first meeting on March 17. In general the meetings discussed progress on implementation of the Smart Border Action Plan, including critical infrastructure protection, which is a priority for the Canadians. The Secretary and DPM looked at progress toward remedying the

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congestion at Windsor-Detroit, the busiest border crossing. The two leaders also discussed the Buffalo pre-clearance project, which has so far been stalled primarily over the issue of legal authorities. Finally, Chertoff and McLellan participated in a joint press conference on the Top Officials Three Exercise (TOPOFF 3). End summary.

2. (U) The March 17 meeting was the first occasion for Secretary Chertoff to meet DPM McLellan since the Secretary

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assumed his position. Their meeting continued the tradition of close cooperation and frequent consultation established by McLellan's predecessor John Manley and Chertoff's predecessor Tom Ridge. In December of 2001 Manley and Ridge had signed the Smart Border Declaration which laid out a 30-point Action Plan to identify and address security risks while at the same time facilitating the legitimate flow of people and goods across the border. Joint working groups comprised of U.S. DHS agencies and their Canadian counterparts have met regularly over the past three years to task recommended actions and track implementation of the Action Plan.

3. (SBU) The DPM and Senior Assistant Deputy Minister of the Department of Public Safety and Emergency Preparedness Canada (PSEPC) Paul Kennedy explained to Secretary Chertoff the long-standing partnership between the U.S. and Canada in policing our shared border, a relationship embodied in the Cross Border Crime Forum. Since the 9/11 attacks in the U.S., Canada has sought to strengthen its national and international security posture, spending over CAN \$9 billion on this effort. Canadian National Security Advisor Rob Wright spoke about the history of the 1995 Shared Border Accord and how the GOC is trying to do its part to implement Smart Border activities, some of which (NEXUS and the Safe Third Country Agreement) had been identified pre-9/11. Canadian law enforcement agencies have long participated with their U.S. counterparts in targeting possible cross-border criminal and terrorist activities; this relationship has been formalized under the Integrated Border Enforcement Team (IBET) program. In addition to physical and infrastructure enhancements to bolster security, Canada also undertook major legislative initiatives, such as the Security Act of 2002, which increases the ability of law enforcement agencies to combat terrorism specifically. Paul Kennedy observed that the revised Anti-Terror Act presently before Parliament is in some ways complementary to the U.S. Patriot Act.

4. (SBU) PSEPC has particular responsibility for critical infrastructure protection. PSEPC officials noted that 60 percent of Canadian infrastructure (e.g., gas pipelines, electric power lines, tunnels, bridges, and railroads) has some level of connectivity to the U.S. PSEPC suggested that there is a need for common risk assessment standards, greater sharing of information regarding threat levels, and more joint exercises. PSEPC sees as immediate challenges the removal of high risk threats and security on the Great Lakes and St. Lawrence Seaway.

5. (SBU) PSEPC also raised the problem of cross-border firearms smuggling, with DPM McLellan referring specifically to smuggled pistols coming into Canada from the U.S. and being used in drug-based gang violence in Toronto. (Comment: Indeed, Canadian media reported the previous day on the

conviction of two gun smugglers, including one who brought 23 handguns into the country through the Windsor tunnel. End comment.) Secretary Chertoff asked if Canada experiences the same problem with handguns as the U.S.; the DPM replied that it does not, because Canadian law does not recognize a right to bear arms.

16. (SBU) The U.S. raised the issue of visas. Visa policy coordination is one of the items on the Smart Border Action Plan. (Comment: It is also one of the most touchy due to sovereignty and privacy considerations. End comment.) Secretary Chertoff asked about Canadian visa issuance

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procedures and if his understanding is correct that a mail-in program was part of the process. The DPM and Rob Wright said that wasn't true, that interviews were done. They added that due to more stringent and demanding procedures, especially for some former visa waiver countries, there is a large backlog of visa applications. Wright said that when security is the issue, there should be harmonization between the U.S. and Canada. The U.S. asked about the wisdom of Canada not requiring visas for South Koreans, particularly given reports that South Korean women are smuggled through Canada into the U.S. to work in the sex trade. The DPM acknowledged that Canada had recently reconfirmed its position of not requiring visas of South Koreans, but she said she would consult with the Minister of Immigration on this U.S. question and concern.

17. (SBU) When discussion turned to the Windsor-Detroit Gateway and what seems to be a rather long lead time (until 2013) to actually implement any of the long-term solutions currently on the table, DPM McLellan warned that the USG and GOC should remain objective and not prejudge the five options currently being considered. She added that the process is underway (beginning with the announcement of contracts for environmental impact assessments) and should be allowed to move forward. The DPM and her staff suggested that President Bush and Prime Minister Martin should continue to underscore the importance for both nations of finding a solution to easing congestion at the Windsor-Detroit corridor. Agencies of both governments are currently implementing short-term solutions to meet the 25 Percent Challenge (to reduce transit times by 25 percent over 12 months) announced during the December 2004 Ridge-McLellan meetings.

18. (SBU) The U.S. and Canada have identified the Buffalo-Fort Erie crossing as the potential site for a pilot land pre-clearance project. This pilot presents a different sort of challenge than that at Windsor-Detroit, however, in that it envisions national enforcement officers operating on foreign territory: Canadian CBSA on the U.S. side, and U.S. CBP in Canada. There are many vexing questions concerning this arrangement, including the extent of authorities (search, detain, arrest), immunities, and foremost perhaps, the carrying of firearms. Other problems include the question of whether or not a person intending to cross the border would be allowed to withdraw once an inspection has started. Secretary Chertoff acknowledged the difficulty posed by the asymmetrical authorities currently exercised by CBP and CBSA. Rob Wright said that mechanisms could be agreed upon, such as targeting, that would allow the project to work. DHS staff explained that a study of the Buffalo pre-clearance pilot is underway. Operational analysis must be done, with a view to identifying the greatest facilitation and maximization of resources. A progress report is anticipated in May. All agreed that a way can be found to allow the pilot project to go forward.

19. (SBU) Looking at opportunities for future collaboration, Rob Wright said that Canada's National Security Policy will continue to bind the U.S. and Canadian security strategies ever closer together. The Bush-Martin and Ridge-McLellan meetings in December 2004 were important steps in creating the environment to build stronger security ties. The March 23 "Trio" meeting in Texas would provide another opportunity. Wright commented that domain awareness, the broadening of shared procedures at the borders, and economic imperatives should tie the countries together. Secretary Chertoff and DPM McLellan will be in Texas for the roll out of the Security and Prosperity Partnership.

110. (U) Secretary Chertoff and DPM McLellan (and the British Home Secretary via pre-recorded video) held a press conference announcing the TOPOFF 3 exercise April 4 - 8 that will simulate a terrorist attack to test emergency plans and procedures. The U.S., Canada, and the United Kingdom are the principal participants with 13 other countries, including Mexico, as observers. In their press statements the Secretary and DPM emphasized the U.S.-Canadian partnership to

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thwart terrorism while at the same time facilitating the free flow of legitimate commerce and people.

11. (U) Comment: This was a successful first meeting between Secretary Chertoff and DPM McLellan, which will help them move through a full bilateral agenda. There remain, however, many legal (enforcement authorities, privacy issues) and political (sovereignty) hurdles to be overcome in achieving optimal cooperation on border security.

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